



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 9, 1996

Ms. Y. Qiyamah Taylor  
Assistant City Attorney  
Legal Department  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR96-0164

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38088.

The City of Houston (the "city") received a request for information concerning the bids for contract for asbestos abatement, demolition and materials disposal for the Houston Police Department Administration Building. You state that the city has released a portion of the requested information. However, you claim that some of the responsive documents are excepted from required public disclosure under sections 552.107 and 552.111 of the Government Code.

Section 552.107(1) excepts from disclosure:

*information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct.*

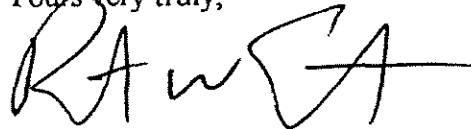
Information may be withheld under section 552.107(1) only to the extent that it documents confidences of a governmental representative to its attorney or reveals the attorney's legal advice and opinions. Open Records Decision Nos. 589 (1991), 574 (1990).

You submitted the information at issue for our consideration as exhibits 3, 4, and 5. You claim that all of the information in exhibit 3, correspondence between the legal department and its client-departments, the marked information in exhibit 4, the

handwritten notations of a senior assistant city attorney, and all the information in exhibit 5, the attachments to the handwritten notations, are excepted under section 552.107. We have reviewed this information and agree that most of the submitted information documents confidences of a governmental representative to its attorney or reveals an attorney's legal advice and opinions. However, the correspondence from private companies to the city may not be excepted under section 552.107. We have flagged several of these documents as a representative sample of the type of information that may not be withheld under section 552.107.<sup>1</sup> Accordingly, except for the type of information we have marked, you may withhold the requested information under section 552.107 of the Government Code.<sup>2</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'RWS', followed by a horizontal line.

Robert W. Schmidt  
Assistant Attorney General  
Open Records Division

RWS/LBC/ch

Ref: ID# 38088

Enclosures: Marked documents

cc: Mr. John A. Irvine  
Porter & Hedges, L.L.P.  
P.O. Box 4744  
Houston, Texas 77210-4744  
(w/o enclosures)

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<sup>1</sup>We note that this is not the type of information excepted under section 552.111. *See generally* Open Records Decision No. 615 (1993).

<sup>2</sup>As we resolve your request under section 552.107, we need not address the applicability of section 552.111.